

### **REMARKS**

Claims 7-30 have been withdrawn as being drawn to a non-elected invention. Claims 7-30 have been cancelled without prejudice and without disclaimer of the subject matter therein. The Applicant specifically reserves the right to file one or more divisional applications directed to that subject matter. Claims 1-6 have also been cancelled without prejudice or disclaimer and without acquiescing to the rejections. New Claims 31 through 36 have been added. Support for the new claims can be found in Claims 1-6 as originally submitted.

The Office Action acknowledges the Applicant's claim for foreign priority based on an application filed in the EPO on September 19, 2001, but notes that the required certified copy of the application has not yet been submitted. The Applicant herewith submits the required certified copy and believe the priority claim to be perfected.

Claims 5 and 6 stand rejected under 35 U.S.C. 112, first paragraph as allegedly not being fully enabled. The rejection of Claims 5 and 6 is moot in view of their cancellation. Withdrawal of the rejection is respectfully requested.

The Applicants have submitted new independent Claims 31 and 32, and dependent Claims 33 to 36. New Claim 31 recites a polypeptide comprising the amino acid sequence of LAP identified by SEQ ID NO:1, or a fragment thereof. New Claim 32 recites a polypeptide comprising the carboxy-terminal amino acid sequence of LAP identified by SEQ ID NO:2, or a fragment thereof. The Applicant respectfully submits that the newly submitted claims satisfy the enablement requirement.

Claims 1-4 stand rejected under 35 U.S.C. 112, first paragraph as allegedly containing subject matter that was not described in the specification in such a way as to convey to one

skilled in the art that the Applicant was in possession of the claimed invention at the time of filing. Claims 1 to 4 have been cancelled and the rejection is now moot.

Claims 1-6 stand rejected under 35 U.S.C. 102(a) as allegedly anticipated by Iouzalén et al. The Office Action asserts that Iouzalén et al. teaches a LAP protein comprising both SEQ ID NO:1 and 2 which inherently possesses the ability to bind to a target comprising an EP motif. However, the Office Action further indicates that Iouzalén et al. can be removed as prior art and the rejection overcome by submission of a certified copy of an English translation of the EPO priority document. The Applicant submits the certified copy herewith, and respectfully requests removal of Iouzalén et al. as prior art and any rejections supported by Iouzalén et al. Also, Claims 1-6 have been cancelled, thereby rendering the rejection moot.

Claims 1 and 4 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Aurelian et al. (US 5,919,616). Claims 1 and 4 have been cancelled, thereby rendering the rejection moot.

New Claim 31 recites a polypeptide binding to a target comprising an EP motif having the following sequence comprising the amino acid sequence of LAP identified by SEQ ID NO:1, or a fragment thereof. New Claim 32 recites a polypeptide binding to a target comprising an EP motif having the following sequence comprising the carboxy-terminal amino acid sequence of LAP identified by SEQ ID NO:2, or a fragment thereof.

Aurelian et al. teaches only antibody specific to a 14 amino acid sequence of the HSV-2 protein, which contains two EP motifs. However, Aurelian et al. does not disclose a polypeptide comprised of any part of the LAP protein as recited in Claims 31 and 32. Accordingly, Aurelian et al. fails to disclose each and every element of the claims and does not anticipate Claims 31 and 32, or the claims that depend therefrom.

In light of the forgoing, the Applicants respectfully submit that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'T. Daniel Christenbury', written over the printed name.

T. Daniel Christenbury  
Registration No. 31,750

TDC/LL/cs

(215) 656-3381